

City Council Minutes
July 14, 2015

Regular Meeting
City Hall Council Chambers

Tuesday, July 14, 2015
6:00 p.m.

The regular meeting was called to order by Chairman Matthew Vachon
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Goss	-	present
Councilor Uhlenhake	-	present	Chairman Vachon	-	present
Councilor O'Connell	-	present			

Chairman Vachon declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman Vachon led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Vachon read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, July 14, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Matthew Vachon
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Costain	Ptl.	07/10/15	1723
Matthew Vachon	S. Bost	City Manager	07/10/15	4:15 pm
Beverly Uhlenhake	Costain	Ptl.	07/10/15	1711
Jerry Goss	Costain	Ptl.	07/10/15	1658
Kevin O'Connell	Costain	Ptl.	07/10/15	1717

CITY COUNCIL REGULAR MEETING
Tuesday, July 14, 2015 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Matthew Vachon)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Vachon)
- A. Minutes of June 2, 2015 Regular Meeting.** (Councilor Ferris)
- B. Awards, Petitions and Public Comments.**
 - 1. (2015-B030) RESOLVE, Recognize George Skillin, Jr. for Years of Dedicated Service to the Brewer Public Works Department, the City of Brewer and the Citizens of Brewer. (Councilor Goss)
 - 2. (2015-B031) RESOLVE, Recognize John F. Mackie, Parks and Cemeteries Supervisor Upon His Retirement After 35 Years of Outstanding Service to the City of Brewer. (Councilor Uhlenhake)
 - 3. (2015-B032) RESOLVE, Recognize Dennis Tate for More Than 37 Years of Dedicated Service to the City of Brewer. (Councilor Ferris)
 - 4. (2015-B033) RESOLVE, Recognize the Cadets of Brewer High School's Air Force Junior ROTC for Their Community Service. (Councilor Uhlenhake)
 - 5. (2015-B034) RESOLVE, Recognize Brewer High School Robotics Team 4563 "Orange Chaos". (Councilor Goss)
 - 6. (2015-B035) RESOLVE, Recognize Brewer High School Musicians. (Councilor Ferris)
 - 7. (2015-B036) RESOLVE, Recognize Companies and Volunteers for their Contributions to the 2015 Stream Cleanup Program. (Councilor Uhlenhake)
 - 8. Public Comments
- IV. Recess for Public Hearing.**
 - 1. Discuss Acceptance of a Housing Assistance CDBG Grant.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2015-A107) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Ferris)
 - 2. (2015-A108) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor O'Connell)

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3. (2015-A109) ORDER, Accept Donations to the Brewer Public Library. (Councilor Uhlenhake)
4. (2015-A110) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Summer Program/League. (Councilor Goss)
5. (2015-A111) ORDER, Accept Donation to the Brewer Parks and Recreation Department for Other Parks and Playgrounds. (Councilor Ferris)
6. (2015-A112) ORDER, Accept Donation to the Brewer Fire Department for Purchase of Equipment. (Councilor O'Connell)
7. (2015-A113) ORDER Reconsider Order 2015-A085 "Set Tax Due Date and Interest Rate" Passed on June 2, 2015 to Correct an Error. (Councilor Uhlenhake)
8. (2015-A114) ORDER, Set Date for Public Hearing on Proposed Charter Amendment to Add Procedure for Initiating Recall of School Committee Members. (Councilor Goss)
9. (2015-A115) ORDER, Set Date for Public Hearing on Proposed Charter Amendment to Repeal the Residency Requirement for Superintendent of Schools. (Councilor Ferris)
10. (2015-A116) ORDER, Accept Grant from Efficiency Maine for Code Office Lighting Improvements. (Councilor O'Connell)
11. (2015-A117) ORDER, Award Bid for Dougherty Recreational Complex Paved Walking Trail. (Councilor Uhlenhake)
12. (2015-A118) ORDER, Issue Release Deed to Linda J. Rideout Successor of Dwinal L. Rideout, who had a Living Estate, which Ceased Upon His Death, June 26, 2013, for Property Located at 675 No. Main Street (Tax Map 16, Lot 30). (Councilor Goss)
13. (2015-A119) ORDER, Accept Housing Assistance Grant from State of Maine Community Development Block Grant Program. (Councilor Ferris)
14. (2015-A120) ORDER, Remove an Undeveloped Street on a Recorded Subdivision Plan from the List of Undeveloped Streets, Which the Time to Construct and Accept Said Undeveloped Streets as Public Streets was Extended by a Prior City Council Order and to Correct City Council Order 2015-A076. (Councilor O'Connell)

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15. (2015-A121) ORDER, Declare the Property Situated at 587 South Main Street, Brewer, Maine and More Specifically Described in the Judgment Recorded in the Penobscot County Registry of Deeds in Volume 13841, Page 189 to be Surplus and Authorize its Sale. (Councilor Uhlenhake)
16. (2015-A122) ORDER, Declare the Property Situated at 927-929 North Main Street, Brewer, Maine and More Specifically Described in the Judgment Recorded in the Penobscot County Registry of Deeds in Volume 13849, Page 199 to be Surplus and Authorize its Sale. (Councilor Goss)
17. (2015-A123) ORDER, Authorize Brewer Redevelopment, LLC to Convey the Former Washington Street School Property to the City of Brewer. (Councilor Ferris)
18. (2015-A124) ORDER, Authorize Brewer Redevelopment, LLC to Convey the Former Capri Street School Property to the City of Brewer. (Councilor O'Connell)
19. (2015-A125) ORDER, Termination of the Lease on the City of Brewer's Property Situated Adjacent to 322 Parkway South, Brewer, Maine. (Councilor Uhlenhake)
20. (2015-A126) ORDER, Authorize Repayment Agreement with Phillip V. Moody Relative to the Property Situated at 33 South Brewer Drive (Tax Map 22, Lot 63). (Councilor Goss)
21. (2015-A127) ORDER, Revise Repayment Agreement with Brent and Suzanne Trueworthy Relative to the Property Situated at 112 South Main Street. (Councilor Ferris)
22. (2015-A128) ORDER, Amend the Parking Lot Lease Between Penobscot Hockey, Inc. and the City of Brewer. (Councilor O'Connell)
23. (2015-A129) ORDER, Authorize the Removal of an Undeveloped Paper Street in a Subdivision from the City Council Order Extending the Time for the Construction and Acceptance of a City Street Pursuant to Title 23 M.R.S.A. §3032 and City Council Order A0997-14. (Councilor Uhlenhake)

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24. (2015-A130) ORDER, Declare the Property Generally Shown on the City of Brewer's Tax Assessor's Map 3, as Lot 41, Hereafter Referred to as Surplus Property and Authorize Its Disposal.
(Councilor Goss)
25. (2015-A131) ORDER, Accept Grant From Penobscot County Emergency Management Agency for Purchase of Training Aids.
(Councilor Ferris)
26. (2015-A132) ORDER, Authorize the Repair of the Vactor Truck Unit #408. (Councilor O'Connell)
27. (2015-A133) ORDER, Confirm Authorization of the Wiswell Road Felts Brook Emergency Culvert Replacement Project. (Councilor Uhlenhake)
28. (2015-A134) ORDER, Authorize Appropriation of Funds for the Water Enterprise Account Wellness Program.
(Councilor Goss)
29. (2015-A135) ORDER, Authorize Appropriation of Funds for the Sewer Enterprise Account Wellness Program.
(Councilor Ferris)
30. (2015-A136) ORDER, Accept Donations of Books and Materials and Authorize Sale of Surplus Books and Materials.
(Councilor O'Connell)
31. (2015-A137) ORDER, Authorize Reallocation of Excess Bond Proceeds.
(Councilor Goss)
32. (2015-A138) ORDER, Authorize Issuance of the City's General Obligation Bonds to Finance Various Municipal Transportation, Infrastructure and Miscellaneous Capital Improvement and Equipment Projects and a Tax Levy Therefor. (Councilor Ferris)
33. (2015-A139) ORDER, Authorize an Option to Purchase the Former Page School Property (City of Brewer's Tax Assessor's Map 30, Lot 149) to JCUBED, LLC.
(Councilor Uhlenhake)

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34. (2015-A140) ORDER, Award Contract for the Saint Teresa's Crosswalk and Penobscot Street Parking Projects. (Councilor Goss)
35. (2015-A141) ORDER, Accept Funds in Forfeitures Resulting From Recent Court Cases that the Brewer Police Department Made Substantial Contributions in the Successful Prosecution of. (Councilor Ferris)
36. (2015-A142) ORDER, Accept Contribution from Capital Ambulance for Flags in Brewer Program. (Councilor O'Connell)
37. (2015-B037) RESOLVE, Adopt Fair Housing Resolution. (Councilor Uhlenhake)
38. (2015-B038) RESOLVE, Adopt Standards of Conduct for CDBG. (Councilor Goss)
39. (2015-B039) RESOLVE, Approve Self-Evaluation and Transition Plan for CDBG Grant Program. (Councilor Ferris)
40. (2015-B040) RESOLVE, Adopt Anti-Displacement and Relocation Assistance Plan for CDBG Grant Program. (Councilor O'Connell)
41. (2015-B041) RESOLVE, Adopt Equal Employment Opportunity Policy Statement. (Councilor Uhlenhake)
42. (2015-B042) RESOLVE, Reconsider Resolve 2015-B023 "Approve School Budget Appropriations for Fiscal Year 2016" Adopted on June 2, 2015 to Update for Approved State Budget Provisions. (Councilor Ferris)

D. Monthly Reports. (Councilor O'Connell)

E. Nominations, Appointments, Elections.

1. Consent Calendar.
 - a. (2015-A143) ORDER, Reappoint Animal Control Officer. (Councilor Goss)
 - b. (2015-B043) RESOLVE, Declare Results of the June 9, 2015 City of Brewer School Budget Approval Election and Charter Amendments Election. (Councilor Ferris)

F. Unfinished Business.

1. Consent Calendar.
 - a. (2015-C008) Amend Chapter 24, Article 3, Zoning Districts, Section 306.5, Schedule of Uses, of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Uhlenhake)(posted 6/3/15)
 - b. (2015-C009) Amend Chapter 24, Article 14 "Definitions" of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Ferris)(posted 6/3/15)

G. New Business.

1. (2015-C010) Amend Chapter 21, Article 5 "Naming of Streets, Roads and Ways Under the E-911 System" of the Charter, Codes and Ordinances of the City of Brewer Entitled "Street Use". (Councilor O'Connell)
2. (2015-A144) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Manager's Annual Evaluation). (Councilor Uhlenhake)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of June 2, 2015 Regular Meeting.

ACTION: Councilor Ferris moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

B. Awards, Petitions and Public Comments.

2015-B030

July 14, 2015

TITLE: RESOLVE, RECOGNIZE GEORGE SKILLIN, JR. FOR YEARS OF SERVICE TO THE BREWER PUBLIC WORKS DEPARTMENT, THE CITY OF BREWER AND CITIZENS OF BREWER.

filed July 8, 2015
by Jerry Goss

WHEREAS, on June 30, 2015, George Skillin, Jr., Shop Foreman at Brewer Public Works Department, will be ending his distinguished career of over 35 years with the City of Brewer; and

WHEREAS, George has served the City as the Shop Foreman for more than 30 years, during which he has faced many challenges along the way; and

WHEREAS, George has also served as a member of the Department's safety committee helping to establish most of the safety policies the Public Works Department lives by today; and

WHEREAS, over the years George has provided professional and consistent assistance to many other City Departments; and

WHEREAS, George has always used his knowledge and abilities to help train his mechanics and has put them first when new training opportunities arise to help them achieve a higher level of ability;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith publicly offers their sincere thanks for the more than 35 years of dedicated service George Skillin, Jr. has provided to the City of Brewer, and would like to wish George the very best in his much deserved retirement and any future endeavors.

ACTION: Councilor Goss moved that the resolve be adopted. The motion was seconded and passed.

Councilor Goss read the resolve into the record. He said that George was unable to attend tonight's meeting so the resolve and plaque will be mailed to him.

Councilor O'Connell said you have to have a lot of dedication and commitment for the work you do to stay at the same job for over thirty-five years.

Director of Public Works Dave Cote said George really was not one for the limelight. His commitment and devotion to the department was outstanding and he did everything to leave the department in a good position after his retirement.

The resolve was adopted by unanimous vote.

2015-B031

July 14, 2015

TITLE: RESOLVE, RECOGNIZE JOHN F. MACKIE, PARKS AND CEMETERIES SUPERVISOR UPON HIS RETIREMENT AFTER 35 YEARS OF OUTSTANDING SERVICE TO THE CITY OF BREWER.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, on July 31, 2015 John F. Mackie will have reached 35 years of continuous dedicated service to the City of Brewer as an employee of the Parks and Recreation Department; and

WHEREAS, John will be retiring on that day after a distinguished career with the Parks & Recreation Department; and

WHEREAS, John began his career in the Parks and Recreation Department on July 23, 1980 as Parks Foreman and later was promoted to Parks Supervisor; and

WHEREAS, in 1984 he assumed the additional responsibilities of Cemeteries Supervisor and worked diligently to bring efficiencies and improvements to that division; and

WHEREAS, John has demonstrated the ability to adapt to meeting the challenges presented in a growing department that now maintains over 70 acres of parks, athletic facilities, municipal grounds, and cemeteries; along with having served for numerous years on the City Safety Committee, and worked closely with the Doyle Field Renovation Committee; and

WHEREAS, John has for 35 years provided the City with a high level of service and deep caring for the Brewer community in which he still serves;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends John F. Mackie upon his retirement from the City of Brewer and bestows upon him its best wishes for a long and well deserved retirement.

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded and passed.

Councilor Uhlenhake read the resolve into the record and presented the plaque to John.

Councilor O'Connell said that John had positively affected the children of the City of Brewer.

Councilor Goss said he is a great example of a team player.

Mayor Vachon said he was a great football coach and Councilor Ferris said that John coached football for many years.

John said that he had a great team to work with throughout his years.

Director of Parks and Recreation Ken Hanscom said John will be missed by it is now time for him and his wife to enjoy a great retirement.

The resolve was adopted by unanimous vote.

2015-B032

July 14, 2015

TITLE: RESOLVE, RECOGNIZE DENNIS TATE FOR MORE THAN 37 YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed July 8, 2015
by Joseph Ferris

WHEREAS, Dennis Tate began working with the Brewer Water Department in 1972;
and

WHEREAS, Dennis took a brief leave of absence in 1975 in order to try out for the Saint Louis Cardinals, minor league team in Florida as a walk-on player; and

WHEREAS, Dennis returned to work full-time for the Brewer Water Department in 1978, where he performed the duties as the Lead Water Meter Reader for approximately ten (10) years; and

WHEREAS, Dennis went on to run the gasification pump house at Hatcase Pond for the next eight (8) years; and

WHEREAS, when the new ozone treatment plant was brought online in 1996, and the old pump house operations were terminated, Dennis helped to ensure a seamless transition from the old gas treatment system to the ozone treatment system; and

WHEREAS, Dennis went on to serve several years as the Lead Plant Operator, helping to oversee continuous operations during several complex and highly technical projects, including the installation of an inter-connect facility in 2009, a new treatment plant water intake pipe in 2010 and a UV treatment project in 2015;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Dennis Tate on his many professional accomplishments in the Brewer Water Department, and his positive contributions to the image and reputation of the great City of Brewer.

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Ferris read the resolve into the record and presented the plaque to Dennis.

Councilor O'Connell said that he had been in many countries where you could not drink the water. Thanked Dennis for the many years of dedication to making sure Brewer's water is the very best.

Councilor Goss said he always had great dedication to the job.

Water Department Supervisor Rodney Butler said he appreciated Dennis and his knowledge of the water department and also his uncanny ability to predict leaks.

Councilor Ferris presented him with a City of Brewer Challenge Coin and a baseball signed by the City Council Members and the City Manager.

Mayor Vachon made the comment that the three gentlemen just recognized had each worked more years for the City than he has been alive.

The resolve was adopted by unanimous vote.

2015-B033

July 14, 2015

TITLE: RESOLVE, RECOGNIZE THE CADETS OF BREWER HIGH SCHOOL'S AIR FORCE JUNIOR ROTC FOR THEIR COMMUNITY SERVICE.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, on March 2, 2015, in observance of Dr. Seuss's 101st birthday, ten Brewer High School Air Force Junior ROTC cadets visited the Brewer Community School to read to students; and

WHEREAS, Dr. Seuss books displayed against the white board of Mrs. Coffey-Roope's classroom made a bright band of color against the wall showing another generation of Brewer schoolchildren were learning to read the beloved books; and

WHEREAS, Patrik Kohles and Doug Alekshun, two ROTC cadets, sat in front of approximately 18 girls and boys in Mrs. Coffey-Roope's first-grade classroom and read Dr. Seuss's book about green eggs and ham;

WHEREAS, the mission of the ROTC cadets is community service; and

WHEREAS, there are 66 ROTC cadets at Brewer High School at this time and as of March 2, 2015 they have put in 1,500 hours of community service;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith, recognizes the cadets of Brewer High School's Air Force Junior ROTC for their outstanding community service record.

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded and passed.

Councilor Uhlenhake read the resolve into the record and presented the plaque to the two cadets and their sergeant present at the meeting.

Sgt. Campbell said that they have moved from the bottom 5% in the country to the top 2% in country by moving forward in giving to the community. He thanked the community for their support.

Councilor Goss said that the ROTC had adopted Chamberlain Park as part of their program of giving.

Councilor O'Connell said that 1500 hours of community service is very impressive.

The resolve was adopted by unanimous vote.

2015-B034

July 14, 2015

TITLE: RESOLVE, RECOGNIZE BREWER HIGH SCHOOL ROBOTICS TEAM 4563 "ORANGE CHAOS".

filed July 8, 2015
by Kevin O'Connell

WHEREAS, Brewer High School Robotics Team 4564 "Orange Chaos" was formed three years ago and is totally run by volunteers from the community led by mechanical engineering mentor Everett Bennett, programming mentor Steve Jacobs and electrical mentor Jim Loftin; and

WHEREAS, the team has had many successes over the past three years including attending World Championships in St. Louis, Missouri during their rookie year and placing eighth in their division; and

WHEREAS, every year at the beginning of January a challenge is revealed worldwide from FIRST (usfirst.org). The teams have six weeks to design, build, program, test their robot and be ready for competition. The challenge for 2015 was to pick up and stack recycling totes as well as top the stack with a trash can to earn points; and

WHEREAS, the team came in first at the Pine Tree District Competition in Lewiston and earned second place at a UNH District Competition in Durham, NH. They finished the season in thirteenth out of one hundred seventy-six New England teams earning them another invitation to Worlds in St. Louis; and

WHEREAS, the team also participates in community outreach doing demonstrations at local scout camps, Y organizations, school parades, the Challenger Center and Brewer Days;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith, recognizes the Brewer High School Robotics Team 4563 “Orange Chaos” for their outstanding achievements.

ACTION: Councilor O’Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O’Connell read the resolve into the record and presented the plaque to members of the team present.

Councilor O’Connell said he had seen them in the 4th of July parade.

Councilor Goss said keep up the same attitude towards your other challenges in life. This team exemplifies something for the school – doing it the right way or the “orange chaos way”.

Councilor Uhlenhake said she loves what they do and loves that what they do inspires the younger children.

Councilor Ferris said that he has seen demonstrations of the robot and is very impressed.

The resolve was adopted by unanimous vote.

2015-B035

July 14, 2015

TITLE: RESOLVE, RECOGNIZE BREWER HIGH SCHOOL MUSICIANS.

filed July 8, 2015
by Kevin O’Connell

WHEREAS, fifty-eight Brewer High School musicians and chaperones traveled to New York City to attend the Fiesta-Val Music Festival April 16 through the 19th; and

WHEREAS, on Friday, April 17, the Brewer High Concert Band, Jazz Ensemble and Concert Choir performed at the Brooklyn Center of the Performing Arts along with other participating schools from as far away as Virginia; and

WHEREAS, Saturday morning the group went to the Bronx Zoo where the festival awards ceremony was to take place; and

WHEREAS, the Brewer Concert Band placed second and earned a rating of excellent, the Concert Choir placed first with a rating of excellent and the Jazz Ensemble placed first with a rating of superior. In addition the rhythm, woodwind and brass sections were each awarded trophies for their outstanding performance and three soloists were also recognized for their excellent performance; and

WHEREAS, Brewer also received the grand champion designation for having the highest combined instrumental scores for jazz and concert band and received an award for musical excellence;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes and congratulates the Brewer High School Concert Band, Jazz Ensemble and Concert Choir along with Directors Brady Harris and Heather MacLeod for their outstanding achievements.

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Ferris read the resolve into the record. Representatives from the music department were unable to attend this meeting tonight.

The resolve was adopted by unanimous vote.

2015-B036

July 14, 2015

TITLE: RESOLVE, RECOGNIZE COMPANIES AND VOLUNTEERS FOR THEIR CONTRIBUTIONS TO THE 2015 STREAM CLEANUP PROGRAM.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, the City of Brewer held its 11th Annual Stream Cleanup Event on May 9, 2015; and

WHEREAS, the City's Stream Cleanup Committee, with the help of 202 volunteers from all over the State, conducted a very successful stream cleanup program resulting in over 4 tons of trash being collected and disposed of at PERC and recycled at the Brewer Landfill; and

WHEREAS, the stream cleanup program was completed at no cost to the Brewer taxpayer as a result of donations of valuable time, supplies and funds from local businesses and volunteers;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends the Stream Cleanup Committee, the volunteers and all the local businesses that contributed to the phenomenal success of the 2015 stream cleanup program.

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Donations

Dunkin Donuts
Somic America
Jeff's Catering
Zee Medical
Olver Associates
NES/NIS
United Rental
EJ Prescott
EBS
Machias Savings Bank
Bangor Federal Credit Union
Twin City Tire
Nickerson O'Day
Cyr Bus
Geaghan's Bros. Brewery
Lowe's
Lou Silver
Nichols Plumbing
Playland Adventure
Pine Tree Waste

Volunteers

Boy Scout Troop 11
Boy Scout Troop 1
Girl Scout Troop 911
Boy Scout Troop 2453
CES
Brewer HS Key Club
Cub Scout Pack 44
Girl Scout Troop 1167
Geocaching of Maine
Ellen Fisher
Janet and James Bertolino
Kevin O'Connell
Grace Brochu
Tim Brochu
Penobscot Job Corps
Tom Morelli and Family
Rainbow Girls
Mandy Clark and Family
US Cellular
Brewer Fire Department
Brewer Public Works
Brewer Environmental Dept.
Stream Cleanup Committee

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded and passed.

Councilor Uhlenhake read the resolve into the record and presented the plaque to Director of Environmental Services Ken Locke.

Councilor Uhlenhake said that Brewer's environmental program in the State of Maine is second to none.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS

Councilor Uhlenhake said she attended the Juneteenth Ceremony. The City of Brewer was given a recognition.

Recess for Public Hearing.

Chairman Vachon said the City Council would recess for a public hearing and after the public hearing would return to the regular meeting and take up the rest of the items on the agenda.

1. Discuss Acceptance of a Housing Assistance CDBG Grant.

The public hearing was called to order by Chairman Vachon.

The city clerk called the roll:

Councilor Ferris	-	present	Chairman Vachon	-	present
Councilor O’Connell	-	present	Councilor Goss	-	present
Councilor Uhlenhake	-	present			

Chairman Vachon declared all members were present.

Chairman Vachon read the notice for the public hearing.

**Public Hearing Notice
The City of Brewer**

The City of Brewer will hold a Public Hearing on Tuesday July 14, 2015, at 6:00 pm, at the Brewer City Hall located at 80 North Main Street to discuss acceptance of a Housing Assistance CDBG Grant. The purpose of the grant is to assist low-to-moderate income families in needed housing rehabilitation. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: City Council c/o City Clerk at 80 North Main Street Brewer, ME 04412 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City’s programs or services, please call James Smith, Assistant City Manager at 989-7500, so that accommodations can be made.



City of Brewer

Chairman Vachon asked if anyone from the public had any comments or questions.

There were none.

Chairman Vachon asked the City Clerk if there had been any written comments submitted by the public.

The City Clerk said there had been no written or oral comments submitted concerning the public hearing.

The public hearing adjourned at 6:43 p.m. and Mayor Vachon called the regular meeting back to order noting that all members of the Council were present.

C. Consent Calendar.

ACTION: Councilor Ferris removed orders 2015-A127, A139 and A140 from the consent calendar.

Councilor Uhlenhake removed resolves 2015-B037 and B041.

Councilor Uhlenhake moved that the remaining orders on the consent calendar have passage and the resolves be adopted.

The motion was seconded and passed by unanimous vote.

2015-A107

July 14, 2015

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed July 8, 2015
by Joseph Ferris

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$586,635.78** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2015	\$582,995.69	
March 2015	\$ 1,164.44	
April 2015	\$ 2,016.34	
May 2015	\$ 459.31	
Total	\$586,635.78	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$586,635.78** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2015-A108

July 14, 2015

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$505,837.56** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

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FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2015	\$503,009.75	
March 2015	\$900.61	
April 2015	\$1,204.50	
May 2015	\$722.70	
Total	\$505,837.56	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$505,837.56** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2015-A109

July 14, 2015

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PUBLIC LIBRARY.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received contributions of \$68.00 from Nancy Wood and Marilyn and Jonathan Lavelle; and

WHEREAS, it is the recommendation and request of the Library Director that these contributions be used to supplement and support the purchase of new books for the City of Brewer Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these generous contributions from Nancy Wood and Marilyn and Jonathan Lavelle totaling \$68.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books).

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the Library.

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2015-A110

July 14, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE SUMMER PROGRAM/LEAGUE.

filed July 8, 2015
by Jerry Goss

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$100.00 from Steven and Victoria Wood for Brewer Parks and Recreation Department's Summer Program/League;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be received to the Summer Program/League Revenue Account (0107123 300327); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506120 (Summer Program/Leagues).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

2015-A111

July 14, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR OTHER PARKS AND PLAYGROUNDS.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$200.00 from Helen Stinchfield for Brewer Parks and Recreation Department's Other Parks and Playgrounds;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be received to Cemetery Fees and Lot Sales account 0107113- 300323); and

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AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117111- 502580 Other Parks and Playgrounds.

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

2015-A112

July 14, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER FIRE DEPARTMENT FOR PURCHASE OF EQUIPMENT.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the Brewer Fire Department has received a donation of \$25.00 from Terrance and Geraldine Fitzpatrick for purchase of minor equipment;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted to the Minor Equipment account 0115911- 503000); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0115911-503000, Minor Equipment .

NOTE: The Brewer Public Safety Director's Office sends a letter of acknowledgement and appreciation on behalf of the City Council to all those who contribute to the public safety departments.

2015-A113

July 14, 2015

TITLE: ORDER, RECONSIDER ORDER 2015-A085 "SET TAX DUE DATE AND INTEREST RATE" PASSED ON JUNE 2, 2015 TO CORRECT AN ERROR.

filed July 8, 2015
by Beverly Uhlenhake

ORDERED, that the City Council reconsider order 2015-A085 "Set Tax Due Date and Interest Rate" that was passed at the regular council meeting held on June 2, 2015 to correct an error as follows:

2015-A085

June 2, 2015

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

filed May 27, 2015
by Joseph Ferris

ORDERED, that taxes for the municipal year commencing July 1, 2015 and which shall expire on June 30, 2016 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 8, 2015

and if the same are not paid on or before September 8, 2015 they shall bear interest at the rate of 7.0% per annum from September 9, ~~2014~~ 2015 until paid.

B. 1/2 of the total taxes due
and payable on or before March 8, 2016

and if the same are not paid on or before March 8, 2016 they shall bear interest at the rate of 7.0% per annum from March 9, 2016 until paid.

2015-A114

July 14, 2015

TITLE: ORDER, SET DATE FOR PUBLIC HEARING ON PROPOSED
CHARTER AMENDMENT TO ADD PROCEDURE FOR
INITIATING RECALL OF SCHOOL COMMITTEE
MEMBERS.

filed July 8, 2015
by Jerry Goss

ORDERED, that a public hearing be held on Tuesday, August 11, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall on the following proposed amendment to the Brewer City Charter:

Amend Article IX of the City of Brewer City Charter to read as follows:

**ARTICLE IX.
RECALL**

Any member of the City Council or the School Committee may be recalled and removed therefrom by the electors of the City as herein provided.

SECTION 1. PROCEDURE FOR INITIATING RECALL PETITION.

Any 50 registered voters of the City of Brewer may originate a petition putting into operation the recall process by signing such petition ~~at the office of the City Clerk~~. Whenever requested by 50 such voters, the City Clerk shall prepare the proper recall petition and upon its being signed by said 50 voters, the City Clerk shall file the petition and shall, during office hours for 30 days thereafter, keep the same open for signatures by registered voters of the City, ~~and no such petition shall be signed or presented for signatures at any place other than the Clerk's office~~. At the expiration of said 30 days, the City Clerk shall declare the petition closed and shall, at the first regular meeting of the City council thereafter present to that body, the petition with verification of the number of valid signatures there attached. If the number of valid signatures attached to said petition shall amount to at least 500 signatures of qualified electors registered to vote at the latest regular city election, the City Council shall immediately take the necessary steps to submit to the voters of the city and the recall petition.

SECTION 2. FORM OF BALLOT IN RECALL ELECTION.

The form of the ballot at the recall election shall be as follows:

"Shall City Council member (name of person proposed for recall) be recalled?"

"Shall School Committee member (name of person proposed for recall) be recalled?"

Immediately below such question shall appear in the following order the words "Yes" and "No" and to the right of each word ~~a square~~ an oval within which the voter may cast his or her vote.

SECTION 3. VOTE REQUIRED.

In order for a Council member or School Committee member to be recalled, at least 30% of the total number of qualified electors registered to vote after the close of polls on the date the recall election is held must have voted and a simple majority of said 30% must have voted "Yes". In the event less than 30% of said electors vote or a simple majority of said majority do not vote "Yes", the recall fails.

SECTION 4. ELECTION AFTER RECALL.

A Council member or School Committee member recalled shall serve until his or her successor is duly elected and sworn. If one or more Council members or School Committee members are recalled, the City Council shall declare a vacancy and shall set a time for the holding of a special election not less than 30 days nor more than 60 days after the recall election.

2015-A115

July 14, 2015

TITLE: ORDER, SET DATE FOR PUBLIC HEARING ON PROPOSED
CHARTER AMENDMENT TO REPEAL THE
RESIDENCY REQUIREMENT FOR SUPERINTENDENT
OF SCHOOLS.

filed July 8, 2015
by Joseph Ferris

ORDERED, that a public hearing be held on Tuesday, August 11, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall on the following proposed amendment to the Brewer City Charter:

Repeal Article III, Section 8 of the City of Brewer City Charter as follows:

~~**SECTION 8.** With any Superintendent of Schools contract beginning July 1, 2013, and thereafter, the School Committee require, as a condition of the Superintendent of Schools employment, that the Superintendent of Schools become a resident of the City of Brewer within three (3) years after his or her employment begins. Successive contracts with the same person shall be considered one contract for the purpose of this Section. The beginning date of the earliest contract shall cause the three (3) year period within which the Superintendent of Schools must establish residency within the City of Brewer to begin to run.~~

2015-A116

July 14, 2015

TITLE: ORDER, ACCEPT GRANT FROM EFFICIENCY MAINE FOR
CODE OFFICE LIGHTING IMPROVEMENTS.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, establishment of the Code Office in the former library space included installation of new energy efficient lighting; and

WHEREAS, the City has received a rebate of \$580.00 from Efficiency Maine in recognition of these improvements;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$580.00 rebate from Efficiency Maine and directs that it be deposited into the CIP grant proceeds revenue account (0500100-360000); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation of the grant funds from the City Hall Infrastructure CIP account (0510120-551001) to offset the costs associated with the lighting improvements.

2015-A117

July 14, 2015

TITLE: ORDER, AWARD BID FOR DOUGHERTY RECREATIONAL
COMPLEX PAVED WALKING TRAIL.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, bids were solicited, received, and evaluated for paving of the walking trail at the Dougherty Recreational Complex; and

WHEREAS, Bard Paving Construction has submitted the low bid for the project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a contract with Bard Paving Construction in the amount of \$16,537.60; and

FURTHER ORDERED, that the City Council herewith authorizes the cost of this purchase to be charged to the FY14 CIP Washington Street Recreation Complex Account (0510104 551446).

Bids Received:

Bard Paving Construction	\$16,537.60
Hopkins Landscaping Inc.	\$25,160.00
Wellman Paving	\$36,070.10
Gordon Contracting Inc.	\$68,000.00

2015-A118

July 14, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO LINDA J. RIDEOUT
SUCCESSOR OF DWINAL L. RIDEOUT, WHO HAD A
LIVING ESTATE WHICH CEASED UPON HIS DEATH,
JUNE 26, 2013, FOR PROPERTY LOCATED AT 675 NO.
MAIN STREET (TAX MAP 16, LOT 30).

filed July 8, 2015
by Jerry Goss

ORDERED, that a municipal release deed be issued to Linda J. Rideout Successor of Dwinal L. Rideout, who had a Living Estate which ceased upon his death, June 26, 2013, for property located at 675 No. Main Street releasing to her all rights, title and interest the City of Brewer may have acquired in the property located on 675 No. Main Street (City Tax Map 16, Lot 30) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

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Volume	Page
12506	340
12847	304
13228	13
13569	21

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$5,177.55 in principal was collected, along with \$126.67 in interest and \$64.48 in costs.

2015-A119

July 14, 2015

TITLE: ORDER, ACCEPT HOUSING ASSISTANCE GRANT FROM STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the City of Brewer wishes to apply to the Department of Economic and Community Development for a 2015 Community Development Block Grant (CDBG) to carry out a Community Development Program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been compiled with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Brewer is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program;

NOW THEREFORE BE IT ORDERED, that the City Manager, or designee, is authorized and directed to submit an application to the Department of Economic and Community Development for a Housing Assistance Grant Program within the State of Maine's CDBG Program in the amount of \$500,000; and

BE IT FURTHER ORDERED, that the City Manager, or designee, is authorized to make assurances on behalf of the City of Brewer, as required as part of such applications, and is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and administering said program, consistent with the Charter of the City of Brewer, and the laws and regulations governing planning and implementation of community development programs in the State of Maine

2015-A120

July 14, 2015

TITLE: ORDER, REMOVE AN UNDEVELOPED STREET ON A RECORDED SUBDIVISION PLAN FROM THE LIST OF UNDEVELOPED STREETS, WHICH THE TIME TO CONSTRUCT AND ACCEPT SAID UNDEVELOPED STREETS AS PUBLIC STREETS WAS EXTENDED BY A PRIOR CITY COUNCIL ORDER AND TO CORRECT CITY COUNCIL ORDER 2015-A076.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the Brewer City Council passed City Council Order 2015-A076 at its May 19, 2015; and

WHEREAS, the undeveloped street to be removed from the list of undeveloped streets from City Council Order 2015- A076 was improperly identified due to a scrivener's error; and

WHEREAS, City Council Order 2015-A076 needs to be corrected to accurately reflect the undeveloped street to be removed from the list set forth in City Council Order A0997-14, which was passed by the Brewer City Council on September 23, 1997, to extend the time for the City to develop and accept undeveloped streets in subdivisions and was recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351;

NOW, THEREFORE, BE IT ORDERED, that City Council order 2015-A076 is amended to remove the undeveloped street that is shown between Lot 14 and Lot 15 on the Subdivision Plan recorded in the Penobscot County Registry of Deeds in Plan File 201 and further being described as currently located between Lots 26 & 36 on the City of Brewer Tax Assessor's Tax Maps 4 from the list set forth in City Council Order A0997-14, which was passed by the Brewer City Council on September 23, 1997, pursuant to Title 23 M.R.S.A. §3032 and recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

FURTHER ORDERED, that an attested copy of this order shall be recorded in the Penobscot County Registry of Deeds by the City Clerk.

2015-A121

July 14, 2015

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 587 SOUTH MAIN STREET, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE JUDGMENT RECORDED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS IN VOLUME 13841, PAGE 189 TO BE SURPLUS AND AUTHORIZE ITS SALE.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, the City has perfected its tax title to the property situated at 587 South Main Street, Brewer, Maine, and more specifically described in the Judgment recorded in the Penobscot County Registry of Deeds in Volume 13841, Page 189, herein after referred to as the "Real Estate"; and

WHEREAS, the City perfected its title to the Real Estate by a Bill in Equity in the Maine District Court in Bangor, Maine; and

WHEREAS, the City staff has concluded that the Real Estate is not required for public purposes and has recommended to the City Council that it be declared surplus property and sold;

NOW, THEREFORE, BE, IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Real Estate situated at 587 South Main Street, Brewer, Maine, to be surplus property for public purposes and authorizes the City Manager, or his designee, to take all and any actions he, or his designee, consider necessary to make the said Real Estate saleable; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the Real Estate at such prices as he, or his designee, determine to be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale of said Real Estate.

2015-A122

July 14, 2015

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 927-929 NORTH MAIN STREET, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE JUDGMENT RECORDED IN THE PENOBSHOT COUNTY REGISTRY OF DEEDS IN VOLUME 13849, PAGE 199 TO BE SURPLUS AND AUTHORIZE ITS SALE.

filed July 8, 2015
by Jerry Goss

WHEREAS, the City has perfected its tax title to the property situated at 927-929 North Main Street, Brewer, Maine, and more specifically described in the Judgment recorded in the Penobscot County Registry of Deeds in Volume 13849, Page 199, herein after referred to as the "Real Estate; and

WHEREAS, the City perfected its title to the Real Estate by a Bill in Equity in the Maine District Court in Bangor, Maine; and

WHEREAS, the City staff has concluded that the Real Estate is not required for public purposes and has recommended to the City Council that it be declared surplus property and sold;

NOW, THEREFORE, BE, IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Real Estate situated at 927-927 North Main Street, Brewer, Maine, to be surplus property for public purposes and authorizes the City Manager, or his designee, to take all and any actions he, or his designee, consider necessary to make the said Real Estate saleable; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the Real Estate at such prices as he, or his designee, determine to be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale of said Real Estate.

2015-A123

July 14, 2015

TITLE: ORDER, AUTHORIZE BREWER REDEVELOPMENT, LLC TO
CONVEY THE FORMER WASHINGTON STREET
SCHOOL PROPERTY TO THE CITY OF BREWER.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the City of Brewer acquired the former Washington Street School Property from the City of Brewer High School District Trustees when the new Community School was constructed by virtue of a Trustees' Deed recorded in the Penobscot County Registry of Deeds; and

WHEREAS, the City of Brewer conveyed the property to Brewer Redevelopment, LLC by virtue of a Municipal Quitclaim Deed dated October 19, 2011 and recorded in the Penobscot County Registry of deeds in Volume 12629, Page 309, herein after referred to as the "Property"; and

WHEREAS, the purpose of the conveyance of the Property to Brewer Redevelopment, LLC was for the removal of the Washington Street School building and improvements; and

WHEREAS, the Washington Street School and improvements have been removed; and

WHEREAS, there is a no reason for Brewer Redevelopment, LLC to continue to own the Property and the Managers wish to convey the property back to the City; and

WHEREAS, City staff has recommended to the City Council that Brewer Redevelopment, LLC convey the Property back to the City and the City Council accept title to the Property;

NOW, THEREFORE, BE IT ORDERED, that the Managers of Brewer Redevelopment, LLC are authorized to execute the Warranty Deed conveying the Property back to the City of Brewer, marked Exhibit A, attached hereto and made a part hereof; and

FURTHER, BE IT ORDERED, that the City Council accepts title to the Property and authorizes the City Manager, or his designee, to take any and all actions and sign any and all documents necessary to effectuate the transfer; and

FURTHER, BE IT ORDERED, that the City shall record the executed Warranty Deed in the Penobscot County Registry of Deeds.

2015-A124

July 14, 2015

TITLE: ORDER, AUTHORIZE BREWER REDEVELOPMENT, LLC TO
CONVEY THE FORMER CAPRI STREET SCHOOL
PROPERTY TO THE CITY OF BREWER.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer acquired the former Capri Street School Property from the City of Brewer High School District Trustees when the new Community School was constructed by virtue of a Trustees' Deed dated April 30, 2012, and recorded in the Penobscot County Registry of Deeds in Volume 12807, Page 308; and

WHEREAS, the City of Brewer conveyed the property to Brewer Redevelopment, LLC by virtue of a Municipal Quitclaim Deed dated August 9, 2012, and recorded in the Penobscot County Registry of deeds in Volume 13104, Page 147, herein after referred to as the "Property"; and

WHEREAS, the purpose of the conveyance of the Property to Brewer Redevelopment, LLC was for the removal of the Capri Street School building and improvements; and

WHEREAS, the Capri Street School and improvements have been removed; and

WHEREAS, there is a no reason for Brewer Redevelopment, LLC to continue to own the Property and the Managers wish to convey the Property back to the City; and

WHEREAS, City staff has recommended to the City Council that Brewer Redevelopment, LLC convey the Property back to the City and the City Council accept title to the Property;

NOW, THEREFORE, BE IT ORDERED, that the Managers of Brewer Redevelopment, LLC are authorized to execute the Warranty Deed conveying the Property back to the City of Brewer, marked Exhibit A, attached hereto and made a part hereof; and

FURTHER, BE IT ORDERED, that the City Council accepts title to the Property and authorizes the City Manager, or his designee, to take any and all actions and sign any and all documents necessary to effectuate the transfer, and

FURTHER, BE IT ORDERED, that the City shall record the executed Warranty Deed in the Penobscot County Registry of Deeds.

2015-A125

July 14, 2015

TITLE: ORDER, TERMINATION OF THE LEASE ON THE CITY OF
BREWER'S PROPERTY SITUATED ADJACENT
TO 322 PARKWAY SOUTH, BREWER, MAINE.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, the Brewer City Council passed City Council Order SEPT-2000-A02 which authorized the City Manager to enter into a Lease on behalf of the City on land adjacent to Timothy J. Arbuckle's property situated at 322 Parkway South, Brewer, Maine; and

WHEREAS, the City Manager entered into a Lease with Mr. Arbuckle on the adjacent property pursuant to City Council Order Sept2000-A02; and

WHEREAS, Section 2 of Lease only allowed it to be terminated upon the City of Brewer giving Mr. Arbuckle thirty (30) days written notice of the City's intent to terminate the Lease; and

WHEREAS, the City Clerk received a letter from Mr. Arbuckle's attorney, Mark A. Perry, Esq., notifying the City that Mr. Arbuckle no longer needs to lease the property covered by said Lease and requests that it be terminated;

NOW, THEREFORE, BE IT ORDERED, that the Lease with Timothy J. Arbuckle dated September 19, 2000, and by City Council Order SEPT2000-A02 is hereby terminated, as it is no longer necessary; and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, shall give a thirty (30) days written Notice of the Termination of the said Lease pursuant to Section 2 thereof by either United States Certified Mail, Return Receipt Requested or by in-hand deliver of the written Notice of Termination to Mr. Arbuckle by a duly appoint City of Brewer police officer, as soon as possible after this City Council order goes into effect; and

FURTHER, BE IT ORDERED, the City Manager, or his designee, is authorized to take any and all actions and to sign any and all documents necessary to carry out the terms and conditions of this City Council order.

2015-A126

July 14, 2015

TITLE: ORDER, AUTHORIZE REPAYMENT AGREEMENT WITH
PHILLIP V. MOODY RELATIVE TO THE
PROPERTY SITUATED AT 33 SOUTH BREWER
DRIVE (TAX MAP 22, LOT 63).

filed July 8, 2015
by Jerry Goss

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five (5) days after approval unless such orders contain emergency preambles; and

WHEREAS, It is imperative that this order become immediately upon its passage to allow terms of the agreement to commence without delay; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer, and require that this order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, Phillip V. Moody is the owner of a home situated at 33 South Brewer Drive in Brewer, Maine (generally shown on the City of Brewer's Tax Assessor's Map 22, Lot 63), and is hereinafter referred to as the "Property"; and

WHEREAS, the Tax Collector's Lien Certificates on the Property have automatically foreclosed; and

WHEREAS, the City is willing to allow Phillip V. Moody to pay the real estate taxes, interest and costs assessed against the Property under certain terms and conditions; and

WHEREAS, Phillip V. Moody is willing to accept the City's terms and conditions;

NOW, THEREFORE, BE IT ORDERED that the City Council authorizes the attached Agreement between the City of Brewer and Phillip V. Moody; and

FURTHER, ORDERED, that the City Manager, or his designee, is herewith authorized to sign the Agreement on behalf of the City of Brewer.

PHILLIP V. MOODY
AGREEMENT

THIS AGREEMENT made this 15 day of July 2015, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the "City", and Phillip V. Moody, of Brewer, County of Penobscot, State of Maine, hereinafter referred to as "Moody".

WITNESSETH

WHEREAS, Moody is a Tenant in Possession of Property situated at 33 South Brewer Drive, Brewer, Maine (Tax Assessor's Map 22 Lot 63) hereinafter referred to as the "Property"; and

WHEREAS, numerous tax collector's lien certificates on the Property have automatically foreclosed; and

WHEREAS, the City has acquired title to Property; and

WHEREAS, Moody wants to reacquire title to the Property; and

WHEREAS, the City is willing to allow Moody to reacquire title to the Property under certain terms and conditions; and

WHEREAS, Moody is willing to accept the City's terms and conditions in the order to reacquire the Property, when the Agreement has been fully completed.

NOW THEREFORE

Based upon the foregoing and other valuable considerations, it is agreed by and between the City and Moody as follows:

- Moody shall pay to the City Four Hundred Dollars (\$400.00) on the day of the signing of the agreement. By close of business on last day of the following month and each subsequent month, or if the last day is a weekend or holiday the following business day, Moody will pay the City Two Hundred Dollars (\$200.00) on the outstanding real estate taxes until paid in full. These payments will be allocated to the oldest real estate property taxes as of the date of this Agreement, with interest and fees being paid first.
- The payments of Two Hundred Dollars (\$200.00) shall not be comingled with other payments to the City and shall be clearly marked "Per July 2015 Payment Agreement". At this rate of payment, all past due real estate taxes, associated fees and interest should be repaid in full on or around November 2017. Nothing shall preclude Moody from paying a higher monthly amount or paying the total balance due at any time.
- In addition to the \$200.00 monthly payments, Moody shall pay all future amounts invoiced and/or fees billed by the City, including but not limited to, real estate taxes, water user fees and sewer user fees, by their due dates.

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five (5) days after approval unless such orders contain emergency preambles; and

WHEREAS, It is imperative that this order become immediately upon its passage to allow terms of the agreement to commence without delay; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer, and require that this order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, Brent and Suzanne Trueworthy are the owners of a home situated at 112 South Main Street in Brewer, (generally shown on the City of Brewer's Tax Assessor's Map 28, Lot 44), and is hereinafter referred to as the "Property"; and
WHEREAS, the Tax Collector's Lien Certificates on the Property have automatically foreclosed; and

WHEREAS, the City is willing to allow Brent and Suzanne Trueworthy to pay the real estate taxes, interest and costs assessed against the Property under certain terms and conditions; and

WHEREAS, Brent and Suzanne Trueworthy are willing to accept the City's terms and conditions; and

NOW, THEREFORE, BE IT ORDERED that the City Council authorizes the attached revised Agreement between the City of Brewer and Brent and Suzanne Trueworthy; and

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign the revised Agreement on behalf of the City of Brewer.

BRENT AND SUZANNE TRUEWORTHY

AGREEMENT

THIS AGREEMENT made this 15 day of July 2015, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the "City", and Brent M. Trueworthy and Suzanne M. Trueworthy, of Brewer, County of Penobscot, State of Maine, hereinafter referred to as the "Trueworthy's".

WITNESSETH

WHEREAS, the Truworthys are Tenants in Possession of Property situated at 112 South Main Street, Brewer, Maine (Tax Assessor's Map 28 Lot 44) hereinafter referred to as the "Property"; and

WHEREAS, numerous tax collector's lien certificates and sewer lien certificates on the Property have automatically foreclosed; and

WHEREAS, the City has acquired title to Property; and

WHEREAS, the Truworthys want to reacquire title to the Property; and

WHEREAS, the City is willing to allow the Truworthys to reacquire title to the Property under certain terms and conditions; and

WHEREAS, the Truworthys are willing to accept the City's terms and conditions in the order to reacquire the Property, when the Agreement has been fully completed.

NOW THEREFORE

Based upon the foregoing and other valuable considerations, it is agreed by and between the City and the Truworthys as follows:

- The Trueworthy's shall pay to the City One Hundred Dollars (\$100.00) on the day of signing of this agreement to be applied to the Current Fiscal Year property taxes. By close of business on last day of the following month and each subsequent month, or if the last day is a weekend or holiday the following business day, the Truworthys will pay the City One Hundred Dollars (\$100.00) on the Current Fiscal year taxes.
- By close of business on last day of the following month and each subsequent month, or if the last day is a weekend or holiday the following business day, the Truworthys will pay the City Two Hundred Dollars (\$200.00) on the outstanding real estate taxes. These payments will be allocated to the oldest real estate property taxes of this Agreement, with interest and fees being paid first.
- The payments of Two Hundred Dollars (\$200.00) shall not be comingled with other payments to the City and shall be clearly marked "Per July 2015 Payment Agreement". At this rate of payment, all past due real estate taxes and sewer user fee balances, associated fees and interest should be repaid in full on or around November 2017. Nothing shall preclude the Truworthys from paying a higher monthly amount or paying the total balance due at any time.

- In addition to the \$200 monthly payments, the Truworthys shall pay all future amounts invoiced and/or fees billed by the City, including but not limited to, real estate taxes, water user fees and sewer user fees, by their due dates.
- The failure of Truworthys to make any of the payments to the City as hereinbefore provided will automatically make this Agreement null and void. Thereafter, Truworthys shall have no further rights to reacquire title to the Property under the terms and conditions of this Agreement.
- If all payments are made on time, the City will convey its rights, title and interest in the Property to the Truworthys as joint tenants, by a Release Deed. Truworthys shall be responsible for all expenses relating to the document preparation and to the conveyance of the Property to them by the City.
- Time is of the Essence.
- Each Party represents to the other they or it has full and complete authority to enter into this Agreement.
- All prior repayment agreements for this property are superseded by this agreement.
- The Agreement contains the complete understanding of the parties and may only be modified by the mutual written agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Stephen M. Bost, its City Manager, duly authorized, and by Truworthys , who have signed in their individual capacity, all on the day, month and year first above written.

CITY OF BREWER

By: _____

WITNESS

STEPHEN M. BOST
Its: City Manager
Duly Authorized

TENANTS IN POSSESSION

WITNESS

[Name]

WITNESS

[Name]

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July 14, 2015

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded.

Councilor Ferris asked that with consensus of the council that the order taken off the agenda.

The City Clerk polled the Council. It was unanimous.

The order was taken off the agenda.

2015-A128

July 14, 2015

TITLE: ORDER, AMEND THE PARKING LOT LEASE BETWEEN
PENOBSCO HOCKEY, INC. AND THE CITY
OF BREWER.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer entered into a parking lot Lease with Delta Hockey, LLC dated May 2, 2002 (hereafter referred to as the "Lease"); and

WHEREAS, the City consented to the assignment of the Lease by Delta Hockey, LLC when it sold its hockey facility to Penobscot Hockey, Inc.; and

WHEREAS, the City Council amended the Lease that was assumed by Penobscot Hockey, Inc by City Council Order 2013-A164; and

WHEREAS, the City has agreed to additional amendments requested by Penobscot Hockey, Inc.;

NOW, THEREFORE, BE IT ORDERED, that the May 2, 2002 Lease assumed by Penobscot Hockey, Inc. is hereby further amended as follows:

- Section 1.1 Agreement Leasehold is amending to reflect that the number of parking spaces being leased shall be one hundred ninety five (195) as of July 1, 2015, and hereinafter. Additionally, a sentence shall be added at the end of this section stating, "The Lease shall limit the capacity of its hockey facility on its property adjacent to the demised premises to six hundred fifty (650) people at any given time." Exhibit B shall be removed from this Section and from the term demised premises.
- Section 3.1 Rental Obligation shall be amended to reflect rent beginning July 1, 2015 of Four Thousand Three Hundred Seventy-Five dollars and Eighty cents (\$4,375.80) (195 spaces × \$1.87 × 12 months) until it is adjusted in accordance with this section.

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- Section 14.1 Notices shall be amended to reflect the Lessee as Penobscot Hockey, Inc., 565 Wilson Street, Brewer, Maine
- Exhibit B is removed from the Lease and is no longer a part thereof;

AND FURTHER, BE IT ORDERED, that this City Council Order shall go into effect on July 1, 2015, and be retroactive to that date; and

FURTHER, BE IT ORDERED, that in all other respects the May 2, 2002 Lease as previously amended shall remain in full force and effect; and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all actions and to sign any and all documents to carry out the terms and conditions of the city council order.

2015-A129

July 14, 2015

TITLE: ORDER, AUTHORIZE THE REMOVAL OF AN UNDEVELOPED PAPER STREET IN A SUBDIVISION FROM THE CITY COUNCIL ORDER EXTENDING THE TIME FOR THE CONSTRUCTION AND ACCEPTANCE OF A CITY STREET PURSUANT TO TITLE 23 M.R.S.A. §3032 AND CITY COUNCIL ORDER A0997-14.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, a prior City Council extended the time to construct and accept undeveloped City Streets in Subdivisions pursuant to Title 23 M.R.S.A §3032 and City Council Order A0997-14; and

WHEREAS, an attested copy of the said City Council Order was recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

WHEREAS, the City Council, on advice of City staff, believes that the undeveloped paper street located between the City of Brewer Tax Assessor's Lots 12 and 17 on Map 3 is not needed for a public purpose;

NOW, THEREFORE, BE IT ORDERED, that the undeveloped Paper Street between Lots 12 and 17 on the City of Brewer's Tax Assessor's Map 3 is hereby removed from the extended time provided for in City Council Order A0997-14 pursuant to Title 23 M.R.S.A. §3032, and as recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

FURTHER, BE IT ORDERED, an attested Copy of this City Council Order shall be recorded by the City of Brewer Clerk in the Penobscot County Registry of Deeds when it goes into effect.

2015-A130

July 14, 2015

TITLE: ORDER, DECLARE THE PROPERTY GENERALLY SHOWN ON THE CITY OF BREWER'S TAX ASSESSOR'S MAP 3, AS LOT 41, HEREAFTER REFERRED TO AS SURPLUS PROPERTY AND AUTHORIZE ITS DISPOSAL.

filed July 8, 2015
by Jerry Goss

WHEREAS, the City has acquired an interest in property generally shown on the City of Brewer Tax Assessor's Map 3, on Lot 41, hereafter referred to as the "Property" and foreclosed on by virtue of expired tax liens; and

WHEREAS, City staff has concluded that the Property is not required by the City for public purposes and

WHEREAS, The City Staff has recommended that the Property be sold.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the Property to be surplus, and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the Property at such price as he determines to be in the best interest of the Citizens of the City of Brewer, and

FURTHER, BE IT ORDERED, that this City Council Order shall supersede the protocol and procedure previously adopted by the City Council for the disposition of foreclosed tax acquired property, and

FURTHER BE IT ORDERED, the City Manager, or his designee, is authorized to take any and all actions and sign any and all documents to effectuate the sale of this property as provide for in this City Council Order.

2015-A131

July 14, 2015

TITLE: ORDER, ACCEPT GRANT FROM PENOBSCOT COUNTY
EMERGENCY MANAGEMENT AGENCY FOR
PURCHASE OF TRAINING AIDS.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the City of Brewer Police Department has been awarded \$3,903.00 through the Penobscot County Emergency Management Agency under the State of Maine's FY2013 Homeland Security Grant Program; and

WHEREAS, funding from this program is intended to promote preparedness and response capabilities for Homeland Security related events in the State of Maine; and

WHEREAS, the MACTAC training program is a regional training initiative originally funded by the State of Maine's FY2013 Homeland Security Grant Program through the Penobscot County Emergency Management Agency; and

WHEREAS, the funds will be used to purchase training aids to be used regionally for MACTAC and associated training;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in account number 0600058-360000-58031 (MACTAC Training Aids Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these funds for the purposes allowed under the grant.

2015-A132

July 14, 2015

TITLE: ORDER, AUTHORIZE THE REPAIR OF THE VACTOR TRUCK
UNIT #408.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the transmission and clutch failed on the engine that runs the vacuum part of the Vactor, Unit #408; and

WHEREAS, the Vactor truck is the most important component of the City's very successful sewer and stormwater collection systems preventive maintenance program; and

WHEREAS, the City solicited a quote to complete the repairs from the nearest Vactor truck vendor; and

WHEREAS, the City received a quote from CN Wood in Westbrook, Maine, of \$21,136.94 to complete the repairs; and

WHEREAS, the Sewer fund maintains an Asset Management Reserve account that has funds available to fund this unanticipated cost;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to contract with CN Woods of Westbrook, ME to repair the Vactor truck; and

BE IT FURTHER ORDERED, that the Council hereby authorizes the appropriation and expenditure of \$21,136.94 from the Sewer Departments Asset Management Reserve account (0817702-503200) for the repair of this truck; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of these repair services.

2015-A133

July 14, 2015

TITLE: ORDER, CONFIRM AUTHORIZATION OF THE WISWELL ROAD
FELTS BROOK EMERGENCY CULVERT REPLACEMENT
PROJECT.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, heavy rainfall and snowmelt caused significant damage to the Wiswell Road Felts Brook culvert crossing this past winter and spring jeopardizing the integrity of the roadway; and

WHEREAS, it was essential to begin work on the replacement of this large diameter culvert as expeditiously as possible; and

WHEREAS, the City Manager, in June of 2015, sought and received the verbal approval of the Brewer City Council to proceed immediately with the needed replacement of this failed structure; and

WHEREAS, the Engineering Department has designed, permitted, competitively bid and formally awarded the project on an emergency basis; and

WHEREAS, this culvert replacement project was included in the FY2016 Capital Improvement Program approved by the City Council on June 2, 2015;

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NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith, retroactively, confirms its verbal authorization for the Engineering Department to purchase a replacement culvert for the Wiswell Road Felts Brook crossing in the amount of \$13,284.06 and its approval of the award of a contract to Emery Lee & Sons of Millinocket, Maine in an amount not to exceed \$75,000 for the installation thereof.; and

BE IT FURTHER ORDERED, that the costs for this project shall be charged to CIP account 0510113-551343 (Culvert-Wiswell at Felts Brook) to be funded as part of the approved FY2016 CIP.

2015-A134

July 14, 2015

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE
WATER ENTERPRISE ACCOUNT WELLNESS PROGRAM.

filed July 8, 2015
by Jerry Goss

WHEREAS, the Water Department anticipates small quantities of scrap metal from various construction projects in FY16 which will result in new revenues; and

WHEREAS, the Water Department will dedicate all proceeds from the sale of scrap metal to fund and support a water wellness program;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in account 0670001-300410 (Water Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY16, from account 0670001-500844 (Water Wellness Expense) to support the water wellness program which shall be funded by the proceeds from the sale of such surplus city property.

NOTE: This is an annual order.

2015-A135

July 14, 2015

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE
SEWER ENTERPRISE ACCOUNT WELLNESS PROGRAM.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the Sewer Department anticipates small quantities of scrap metal from various construction projects in FY16 which will result in new revenues; and

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WHEREAS, the Sewer Department will dedicate all proceeds from the sale of scrap metal to fund and support a sewer wellness program;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in 0680001-300410 (Sewer Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY16, from account 0680001-500844 (Sewer Wellness Expense) to support the sewer wellness program which shall be funded by the proceeds from the sale of such surplus city property.

NOTE: This is an annual order.

2015-A136

July 14, 2015

TITLE: ORDER, ACCEPT DONATIONS OF BOOKS AND MATERIALS
AND AUTHORIZE SALE OF SURPLUS BOOKS AND
MATERIALS.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, from time to time the Brewer Public Library receives donations of books and materials; and

WHEREAS, some of the books and materials received are ones the Library already has or does not need; and

WHEREAS, from time to time the Library reviews its collection and retires books that are no longer in use; and

WHEREAS, the library would like to offer such unneeded books and materials to the public in exchange for a donation to the Library;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the donations of books and materials it may receive throughout the year; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Library Director to identify throughout the year books and materials that are unneeded and Council declares such items to be surplus and further authorizes the Library to offer the items to the public in exchange for a donation to the Library; and

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FURTHER ORDERED, that the Council hereby directs that these proceeds be deposited in revenue account 0107204-300410 (Library Sale of Assets) and that these proceeds be appropriated for expenditure from expense account 0117201-502750 (Books) for the purpose of replenishing Library inventory with the more current and requested items.

NOTE: This is an annual order.

2015-A137

July 14, 2015

TITLE: ORDER, AUTHORIZE REALLOCATION OF EXCESS BOND PROCEEDS.

filed July 8, 2015
by Jerry Goss

WHEREAS, the FY16 CIP as approved anticipated \$920,000 in bond financing and \$246,026 in previously approved capital funds reallocated from completed projects; and

WHEREAS, the surplus proceeds to be reallocated to support the FY16 CIP come from City of Brewer general obligations bonds and notes (the “Prior Obligations”) previously issued for certain municipal purposes (the “Prior Projects”) and are as follows:

Original Order #	Original Issue and Issue Date	Prior Projects	Excess Proceeds
JUL12-A154	FY13 CIP - 5/23/13	School Bldg Remed & Demolition	50,000
JUL14-A106	FY15 CIP – 5/28/15	Assessing Server – Vision	20,000
JUL14-A106	FY15 CIP – 5/28/15	PSB - Convert to Natural Gas	2,500
	xfer from general fund	Fire Turnout Gear Replacement	1,200
JUL14-A106	FY15 CIP – 5/28/15	Code Enforcement Truck	1,500
JUL01-A021	FY01 CIP – 11/1/01	Landfill Sloping	9,726
MAR05-A057	FY05CIP – 5/26/05	Eastern Ave Reconstruction	97,000
JUL12-A154	FY13 CIP - 5/23/13	Dirigo Dr. Paving	317
JUL12-A154	FY13 CIP - 5/23/13	Elm St Overlay	5,562
JUL14-A106	FY15 CIP – 5/28/15	Wiswell Rd Overlay (GP to Holden Line)	39,129
OCT13-A170	FY14 CIP – 5/22/14	1 Ton Dump/Plow/Sander Truck	10,546
JUL14-A106	FY15 CIP – 5/28/15	Truck w Plow FY15-replace #427	4,163
JUL14-A106	FY15 CIP – 5/28/15	Walk Behind Mower	1,101
JUL14-A106	FY15 CIP – 5/28/15	Automatic Floor Scrubber	200
		CIP-Fund Balance (Unallocated Reserve)	2,993
		TOTAL	246,026

WHEREAS, the City of Brewer now desires to reallocate the above excess proceeds of such Prior Obligations (the “Excess Proceeds”) to other municipal purposes (the “New Projects”) approved as part of the FY16 CIP as follows:

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July 14, 2015

Account Number	New Projects	Reallocated Proceeds
0510130-551004	TECHNOLOGY COMPUTER HRDWR	18,800
0510130-551029	Assessing Server - Vision	
0510133-551383	ELGIN SWEEPER #430	19,000
0510132-551202	Code Enforcement Truck	
0510133-551398	1 Ton Dump/Plow/Sander Truck	
0510133-551604	Truck w Plow FY15-replace #427	
0510134-551414	Walk Behind Mower	
0510134-551448	Automatic Floor Scrubber	
0510140-551090	CIP-Unallocated Res.	
	WILSON/MAIN SIGNAL DETECTN IMPRVMTS	3,000
0510130-551029	Assessing Server - Vision	
0510132-551214	Fire Turnout Gear Replacement	
0510140-551090	CIP-Unallocated Res.	
0510104-551446	WASHINGTON ST RECREATION COMPLEX	80,000
0510100-551024	School Bldg Remed & Demolition	
0510103-551301	Landfill Sloping	
0510113-551324-00400	Eastern Ave Reconstruction	
0510113-551311	PAVING	46,000
0510113-551389	Dirigo Dr. Pavingt	
0510113-551390	Elm St Overlay	
0510113-551601	Wiwsell Rd Overlay (GP to Holden Line)	
0510140-551090	CIP-Unallocated Res.	
0510113-551343	WISWELL ST CULVERT REPLACE	2,500
0510122-551221	PSB - Convert to Natural Gas	
0510113-551327	E-W INDUSTRIAL PARK RESURFACE	76,726
0510113-551601	Wiwsell Rd Overlay (GP to Holden Line)	
	TOTAL	246,026

WHEREAS, the City has Prior Projects that finished with expenditures slightly over available funding and it wishes to reallocate to these projects Excess Proceeds from the following Prior Obligations and Projects:

Original Order #	Orig Issue and Issue Date	Prior Projects	Excess Proceeds
JUL12-A154	FY13 CIP - 5/23/13	City Hall Parking Lot Light Improvements	1,516
JUL12-A154	FY13 CIP - 5/23/13	Dirigo Dr. Paving	2,872
		TOTAL	4,388

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WHEREAS, the City of Brewer now desires to reallocate the above excess proceeds to the following Prior Projects that had expenditures slightly over available funding:

Account Number	Prior Projects	Reallocated Proceeds
0510140-551025	City-wide Revaluation	1,516
0510130-551026	City Hall Parking Lot Light Improvements	
0510113-551399	Day Road Resurface	2,872
0510113-551389	Dirigo Drive Paving	
	TOTAL	4,388

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT the Original Orders be and hereby are amended to provide that the purpose for which the Prior Obligations were authorized and issued be and hereby is amended to include the New Projects indicated above; and

THAT the Excess Proceeds be and hereby are allocated and appropriated to fund the costs of the above-listed New and Prior Projects; and

THAT, if the amount of Excess Proceeds needed to complete any New Project listed above differs from the amount listed above, the City Treasurer/ Finance Director is authorized, in her discretion, to further reallocate proceeds to any of the other listed New Projects or to any Prior Project.

2015-A138

July 14, 2015

TITLE: ORDER, AUTHORIZE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE VARIOUS MUNICIPAL TRANSPORTATION, INFRASTRUCTURE AND MISCELLANEOUS CAPITAL IMPROVEMENT AND EQUIPMENT PROJECTS AND A TAX LEVY THEREFOR.

filed July 8, 2015
by Joseph Ferris

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that this order be effectively immediately so the sale and issuance of the bonds may be immediately; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to One Million Fifty-five Thousand Dollars (\$1,055,000) aggregate principal amount of general obligation bonds of the City of Brewer, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to finance various municipal transportation, infrastructure and miscellaneous capital improvement and equipment projects as more specifically listed on Attachment A hereto, and to finance issuance costs with respect thereto.

THAT the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the City Treasurer/ Finance Director.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. §5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director.

THAT said bonds shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT pursuant to 30 A M.R.S.A. §5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director.

THAT the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met.

THAT the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/ Finance Director:

- To any costs of the projects listed on Attachment A;
- If the bonds are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to the City's General Fund;
- To pay debt service on the bonds.

THAT if the actual cost of any project differs from the estimated cost on Attachment A, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the Bonds to any other listed project.

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds are underwritten in a public sale or a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds are issued to or through the Maine Municipal Bond Bank, to carry out the provisions of this Order in connection with the issuance of the Bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

Attachment A

FY2016 Capital Improvement Program

Building and Improvements	\$ 165,000
Infrastructure	229,000
Equipment and Vehicles	516,000
Sewer Improvements / Repair	135,000
Other – Issuance Costs	10,000
Total	\$1,055,000

2015-A139

July 14, 2015

TITLE: ORDER, AUTHORIZE AN OPTION TO PURCHASE THE FORMER PAGE SCHOOL PROPERTY (CITY OF BREWER'S TAX ASSESSOR'S MAP 30, LOT 149) TO JCUBED, LLC.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, the City of Brewer (hereafter referred to as the "City") is the owner of the former Page School property on Center Street in Brewer by virtue of the Deed recorded in the Penobscot County Registry of Deeds in Volume 177, Page 392 (See also, City of Brewer Tax Assessor's Map 30, Lot 149) (hereinafter referred to as the "Property"); and

WHEREAS, JCUBED LLC (hereinafter referred to as "JCUBED") is the owner of the former VFW post property located at 235 Center Street in said Brewer (See also, the City of Brewer's Tax Assessor's Map 30, Lot 53) by virtue of the Deed recorded in the Penobscot County Registry of deeds in Volume 12770, Page 120; and

WHEREAS, JCUBED's property is diagonally across from the City's Property; and

WHEREAS, JCUBED has leased five (5) parking spaces from the City on its Property by a lease dated October 22, 2009 and an additional five (5) parking spaces from the City also on its Property by a lease dated December 8, 2014; and

WHEREAS, the leases for the ten (10) parking spaces have allowed JCUBED to develop its property; and

WHEREAS, the City has also leased seven (7) parking spaces on its Property to the Housing Authority of the City of Brewer by a lease dated May 13, 2015 for a period of two (2) years for the purposes of developing elderly housing in the former Middle School located on Somerset Street in said Brewer; and

WHEREAS, JCUBED is interested in buying the City's Property so that it can further develop its property; and

WHEREAS, City staff has advised the City Council the said Property is no longer necessary for public purposes and should be declared as surplus; and

WHEREAS, the City and JCUBED have agreed upon the terms and conditions of an Option to allow JCUBED to purchase the City's property after May 12, 2017, but before May 13, 2018;

NOW, THEREFORE, BE IT ORDERED, that the City Council, based upon the recommendation of City Staff, finds that the Property described in the Deed recorded in the Penobscot County Registry of Deeds in Volume 177, Page 392 (see also the City of Brewer's Tax Assessor's Map 30, Lot 149) is not necessary for public purposes and is hereby declares it to be surplus; and

FURTHER, BE IT ORDERED, that the City hereby grants JCUBED an Option for one dollar (\$1.00) to purchase the said Property for Twenty Thousand Dollars (\$20,000.00), no sooner than after May 12, 2017, and no later than May 13, 2018; and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, shall work out the final terms and conditions of the Option with JCUBED that he, or his designee, shall deem to be in the best interest of the citizens of the City of Brewer; and

FURTHER, BE IT ORDERED, the Option and any documents conveying the Property in the event the Option is executed by JCUBED shall be approved by the City Solicitor, or some other attorney representing the City, prior to its execution by the City and JCUBED; and

FURTHER, BE IT ORDERED, that the City Manager, or his designee, shall have full authority to take any and all actions he deems necessary and to sign any and all documents to grant the Option and to convey the Property, if JCUBED exercises its Option.

ACTION: Councilor Uhlenhake moved that the order have passage. The motion was Seconded and passed.

Councilor Ferris asked how the purchase price was arrived at.

Economic Development Director D'arcy Main-Boyington said that it was suggested as the purchase price by City Assessor Steve Weed. He had said this was a price for a typical parking lot. She said this was a low value so didn't find it necessary to spend the money to have a real estate appraisal done.

The order was passed by unanimous vote.

2015-A140

July 14, 2015

TITLE: ORDER, AWARD CONTRACT FOR THE SAINT TERESA'S
CROSSWALK AND PENOBSCOT STREET
PARKING PROJECTS.

filed July 8, 2015
by Jerry Goss

WHEREAS, the City Council authorized two projects in the FY 2016 CIP to install a new signal-controlled crosswalk on South Main Street adjacent to St. Teresa's Church and to construct new public parking spaces on Penobscot Street; and

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July 14, 2015

WHEREAS, the Engineering Department designed and publically bid the Crosswalk project; and

WHEREAS, only one bid was received for this project from Lou Silver, Inc. in the amount of \$25,000; and

WHEREAS, this bid was subsequently rejected because it exceeded available funds for this project; and

WHEREAS, the City Engineer has expressed concerns with the planned bidding of the Penobscot Street Parking Project due to the fact that several of the projects that have been bid this year have failed to attract an acceptable number of bidders; and

WHEREAS, the City Engineer has negotiated with Lou Silver Inc. for a combined contract covering the scopes of both the St. Teresa's Crosswalk and the Penobscot Street Parking Projects and has reached terms that he feels are fair, in the best interest of the citizens of Brewer and are within the authorized funding limits of the FY 2016 CIP;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute a contract with Lou Silver, Inc. of Veazie in an amount not to exceed \$65,000 for construction services related to the Saint Teresa's Crosswalk and Penobscot Street Parking Projects; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing ordinance for the provision of these construction services; and

BE IT FURTHER ORDERED, that the costs of this contract shall be allocated as follows:

1. \$17,000 to FY 2016 CIP account 0510133-551608 , St. Teresa's Crosswalk Lighting
2. \$48,000 to FY 2016 CIP account 0510121-551106 , Public Parking

ACTION: Councilor Goss moved that the order have passage. The motion was Seconded and passed.

Councilor Ferris asked what was being done to the crosswalk.

City Engineer Frank Higgins said that changes in curbing to slow traffic down would be done and also rapid flashing beacons would be added to the crosswalk to warn traffic of pedestrians in walk.

The order was passed by unanimous vote.

2015-A141

July 14, 2015

TITLE: ORDER, ACCEPT FUNDS IN FORFEITURES RESULTING FROM RECENT COURT CASES THAT THE BREWER POLICE MADE SUBSTANTIAL CONTRIBUTIONS IN THE SUCCESSFUL PROSECUTION OF.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the Brewer Police Department has conducted two investigations where sums of money and a handgun were seized and forfeited by defendants involved; and

WHEREAS, these seized items were offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigations; and

WHEREAS, under Maine Law, Title 15 MRSA., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sums of money and assets forfeited as a result of the recent criminal investigations cited:

Docket Number	Sum
CR-14-1715	\$1,631 in US Currency
CR-14-1715	One Chrome Cobra .380 Caliber Handgun
CR-14-4071	\$8,360 in US Currency

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

2015-A142

July 14, 2015

TITLE: ORDER, ACCEPT CONTRIBUTION FROM CAPITAL
AMBULANCE FOR FLAGS IN BREWER
PROGRAM.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer has received a contribution of \$500.00 from Meridian Mobile Health (dba Capital Ambulance) in support of the City's Flags in Brewer program, which funds the installation and maintenance of the flags that line its major streets;

NOW THEREFORE BE IT ORDERED, that the City Council hereby accepts this generous donation to this worthy program and authorizes its receipt into 0200000-320000-50001 (Flags in Brewer Revenue) and authorizes the appropriation and expenditure of those funds from 0200000-520000-50001 (Flags in Brewer Expense).

Note: The Fire Department will send a letter of acknowledgement and appreciation to Meridian on behalf of the City Council and the Fire Department.

2015-B037

July 14, 2015

TITLE: RESOLVE, ADOPT FAIR HOUSING RESOLUTION.

filed July 8, 2015
by Beverly Uhlenhake

LET IT BE KNOWN TO ALL PERSONS, of the City of Brewer that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the City of Brewer to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the City of Brewer does hereby pass the following Resolution:

BE IT RESOLVED, that within available resources the City of Brewer will assist all persons who feel they have been discriminated against because of race, color, religion, sex, sexual orientation, physical or mental disability handicap, familial status, religion, ancestry, or national origin or status as a recipient of federal, state or local public assistance to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division; and

BE IT FURTHER RESOLVED, that the City of Brewer shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances; and

BE IT FURTHER RESOLVED, that said program will at a minimum include but not be limited to:

(1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts;

2) distribution of posters, flyers, and any other means, which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded.

Councilor Uhlenhake moved that the resolve be amended as indicated in the above resolve which puts the policy in compliance with the Maine Human Rights Act.

The motion was seconded and passed. The amendment passed by unanimous vote.

The resolve, as amended, was adopted by unanimous vote.

2015-B038

July 14, 2015

TITLE: RESOLVE, ADOPT STANDARDS OF CONDUCT FOR CDBG.

filed July 8, 2015
by Jerry Goss

WHEREAS, following sound business practices, prescribed standards of conduct and Department of Housing and Urban Development (HUD) requirements help protect the integrity of the program and those administer it; and

WHEREAS, this notice provides information on activities that must be avoided and identifies essential HUD requirements that must be met in order to prevent fraud and program abuse; and

WHEREAS, the Housing and Community Development Act of 1974 as amended in 1992, and 24 CFR PART 570 of the Community Development Block Grant Regulations contain the pertinent laws and requirements for the City of Brewer's Community Development Program;

NOW THEREFORE BE IT RESOLVED, that the City of Brewer here by adopts the following Standards of Conduct for the City of Brewer's Community Development Program:

1. Prohibition against conflicts of interest

CDBG regulations (25 CFR, Part 570.489 (h)) prohibit conflicts of interest. For all CDBG activities: no employee, agent, consultant, officer, or elected official or appointed official of the State, or of a unit of general local government, or of any designated public agencies, or sub-recipients may:

- a) *Obtain personal or financial interest or benefits including money, favors, gratuities, entertainment or anything of value that might be interpreted as conflict of interest.*
- b) *Obtain a direct or indirect interest in any contract, subcontract or agreement for any CDBG activity. This prohibition extends to contract in which your spouse, minor child, dependent or business associate may have personal or financial interest. This prohibition extends for a period of one year after you leave your position with a CDBG activity or program.*
- c) *HUD may grant an exception to this conflict of interest provision if it determines that such exception will enhance the effectiveness of the CDBG project. Requests for such exceptions must be made in writing to this office.*

2. Procurement and Contracting Requirements

Provisions of 24 CFR Part 85 and Part 36, Administrative Requirements apply to the CDBG Program grantees. These provisions prohibit the following practices in your procurement and contract administration.

- a) *Circumventing competitive bidding requirements by:*
 - 1) Failing to advertise for sealed bids or soliciting proposals and engaging in noncompetitive negotiation;
 - 2) Failing to use established evaluation criteria in negotiations;
 - 3) Splitting bids by breaking down contracts into small parts so that purchase order procedures can be used except to meet Minority/Women Business Enterprise goals;
 - 4) Favoring or providing a competitive advantage to any one firm or individual; identifying the names of those invited to bid; and preparing fictitious bids to simulate competition.
- b) *Failing to adhere to contract award requirements by:*
 - 1) Allowing excessive price charges;
 - 2) Awarding contract to other than low bidder without adequate justification;
 - 3) Accepting a bid that does not contain a price for all items or services included in the bid invitation.
- c) *Failing to verify contractual and programmatic compliance by contractors by:*
 - 1) Authorizing payment for work not completed;
 - 2) Falsifying inspection reports;
 - 3) Altering contractor invoices; and
 - 4) Misusing modification or change orders.

3. Financial Management and Recording Systems

You must comply with the following requirements of 24 CFR part 85.20 and 85.42 and CDBG regulations.

- a) *Establish internal controls to safeguard cash, inventory and equipment.*
- b) *Establish a special ledger account for all CDBG monies.*
- c) *Maintain financial records including:*
 - 1) A register of cash receipts and disbursements;
 - 2) Record of all non-cash transactions;
 - 3) General ledger to show the status of each CDBG account;
 - 4) A fixed account ledger, and
 - 5) A record of drawdowns, funds received and balance of funds.
- d) *Ensure you maintain financial records and maintain for three years from final closeout.*
- e) *Use income generated from grant activities for other eligible activities.*
- f) *Use program income before drawing additional grant funds to pay for allowable program expenses.*
- g) *Not request or draw down more funds than needed.*

4. Cost Allowance

You must comply with OMB Circular A-87, Cost Principles for State and Local Governments. You may not spend CDBG funds on ineligible activities including:

- a) *Expenses required to carry out the regular responsibilities of the general local government.*
- b) *Partisan political activities (e.g. contributions towards political campaigns, voter registration or candidate forums).*

5. Program Monitoring

Regulation CFR Part 85.40 states you must monitor the performance of grant supported activities to assure compliance with federal requirements and that performance goals are being achieved. It is suggested you:

- a) *Keep records for your on-site visits to sub grantees and contractors.*
- b) *Place special emphasis on your monitoring of the highest risk sub recipients and contractors.*

2015-B039

July 14, 2015

TITLE: RESOLVE, APPROVE SELF-EVALUATION AND TRANSITION
PLAN FOR CDBG GRANT PROGRAM.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the City of Brewer is required to complete a Self-Evaluation and adopt a Transition Plan, as a requirement for funding from the CDBG plan; and

WHEREAS, the Assistant City Manager has completed a Self-Evaluation of all city facilities; and

WHEREAS, the findings of that evaluation have determined the city is in compliance with Section 504 of the Americans with Disabilities Act (ADA); and

WHEREAS, the City of Brewer is required to assign an individual to be responsible for receiving questions, comments and concerns from the public for matters related to ADA as part of the Transition Plan;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council hereby adopts the Section 504 Self-Evaluation and Transition Plan attached; and

BE IT FURTHER RESOLVED, that the Brewer City Council hereby appoints the following staff member as the responsible person for the City of Brewer's Transition Plan and for inquiries regarding this Section 504 Self-Evaluation:

Pam Ryan
(name)

City Clerk
(title)

80 North Main Street, Brewer, ME 04412
(address)

207-989-7050 207-989-5262 pryan@brewermaine.gov
(telephone) (fax) (e-mail)

2015-B040

July 14, 2015

TITLE: RESOLVE, ADOPT ANTI-DISPLACEMENT AND RELOCATION
 ASSISTANCE PLAN FOR CDBG GRANT PROGRAM.

filed July 8, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer is required to adopt anti-displacement and relocation plan, as a required under Section 104(d) of the Housing and Community Development Act of 1974, as amended;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council hereby adopts the following Residential Anti-Displacement and Relocation Assistance Plan:

I. PURPOSE:

This Plan is established following Section 104(d) of the Housing and Community Development Act of 1974, as amended. Its objective is to insure that persons displaced as a result of CDBG-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of a project designed for the benefit of the public as a whole.

II. COMPLIANCE MEASURES:

The **City of Brewer** will replace all occupiable and vacant Low - Moderate Income dwelling units demolished OR converted with funds provided under the Housing and Community Development Act of 1974, as amended, in a way as described as follows:

1. The units must be located within the state recipient's jurisdiction and to the extent possible shall be located within the same neighborhood as the units replaced.
2. The units must be sufficient in number and size to house no less than the number of occupants who could have been housed in the units that are demolished or converted.
3. The units must be provided in standard condition.
4. The replacement units must be made available for occupancy during the period beginning one year before an agreement to convert or demolish the units in question is executed and ending three years after the commencement of the demolition or rehabilitation related to the conversion.

The units must remain Low-Moderate Income dwelling units for at least 10 years from the date of initial occupancy. Before the **City of Brewer** enters into an agreement to provide funds that will directly result in the demolition of Low-Moderate Income dwelling units or the conversion of Low-Moderate Income dwelling units, the **City of Brewer** will make public and submit the following information in writing to the State:

- 1) A description of the proposed assisted activity;
- 2) The location on a map and the number of dwelling units by size that will be demolished or converted to a use other than for Low-Moderate Income dwelling units as a direct result of the assisted activity;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) The source of funding and a time schedule for the provision of replacement dwelling units;
- 5) The basis for concluding that each replacement dwelling unit will remain a Low-Moderate Income dwelling unit for at least 10 years from the date of initial occupancy;

- 6) Information demonstrating that any proposed replacement dwelling units with smaller dwelling units is consistent with the housing needs of Low-Moderate Income households in the jurisdiction.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act, the **City of Brewer** will take all possible actions within its power to minimize the displacement of persons from their homes.

III. ASSISTANCE TO PERSONS DISPLACED:

The **City of Brewer** shall provide relocation assistance and payments as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or the Housing and Community Development Act of 1974, as amended, Section 104(d) for residents displaced as a result of CDBG funded activities. All displaced residents who are eligible for other housing programs will be helped through that agency's process. In addition, City staff shall provide housing counseling and referral services to assist those displaced to find alternative housing in the neighborhood.

IV. DEFINITIONS:

Displaced Person: Any person (family, individual, business, nonprofit organization or farm operation) that moves from real property, or moves personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition or acquisition (privately undertaken or public) for HUD-assisted program/project.

V. AGENCY RESPONSIBILITY:

The **City of Brewer** Community Development Department shall be responsible for the implementation of this Plan as well as ensuring compliance with applicable Federal and State law and regulations. The **City of Brewer** will identify and designate a Relocation Officer to perform functions concerning this Plan.

Any questions regarding this Plan or Federal and State laws regarding displacement should be addressed to James L. Smith, Assistant City Manager

VI. CERTIFICATIONS:

The **City of Brewer** hereby certifies that it will uphold the contents of this Plan and the intentions of the compliance measures stated.

2015-B041

July 14, 2015

TITLE: RESOLVE, ADOPT EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT.

filed July 8, 2015
by Beverly Uhlenhake

WHEREAS, the City of Brewer is required to adopt an Equal Employment Opportunity Policy Statement; and

WHEREAS, a significant amount of time has lapsed since the City of Brewer has reviewed its Equal Employment Opportunity Policy Statement;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council declares its intent that the City will continue to pursue a policy of non-discrimination in personnel practices, including: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, sexual orientation, marital status, familial status, religion, ancestry, national origin, age, physical or mental disability handicap, or status as a recipient of federal, state or local public assistance where these are not found to be bona fide occupational qualifications.

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded.

Councilor Uhlenhake moved that the resolve be amended as indicated in the above resolve which puts the policy in compliance with the Maine Human Rights Act.

The motion was seconded and passed. The amendment passed by unanimous vote.

The resolve, as amended, was adopted by unanimous vote.

2015-B042

July 14, 2015

TITLE: RESOLVE, RECONSIDER RESOLVE 2015-B023 "APPROVE
SCHOOL BUDGET APPROPRIATIONS FOR FISCAL
YEAR 2016" ADOPTED ON JUNE 2, 2015 TO UPDATE
FOR APPROVED STATE BUDGET PROVISIONS.

filed July 8, 2015
by Joseph Ferris

City Council Minutes
July 14, 2015

RESOLVED, that the City Council reconsider resolve 2015-B023 “Approve School Budget Appropriations for Fiscal Year 2016” that was adopted at the regular council meeting held on June 2, 2015 to update for approved state budget provisions as follows:

2015-B023

June 2, 2015

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2016.

filed May 27, 2015
by Jerry Goss

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2015-2016:

1. That **\$8,428,563** be authorized to be expended for Regular Instruction.
2. That **\$2,872,018** be authorized to be expended for Special Education.
3. That **\$193,000** be authorized to be expended for Career and Technical Education.
4. That **\$984,411** be authorized to be expended for Other Instruction.
5. That **\$1,382,633** be authorized to be expended for Student and Staff Support.
6. That **\$570,276** be authorized to be expended for System Administration.
7. That **\$995,891** be authorized to be expended for School Administration.
8. That **\$507,415** be authorized to be expended for Transportation and Buses.
9. That **\$1,811,411** be authorized to be expended for Facilities Maintenance.
10. That **\$3,196,058** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$8,163** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$15,919,173** be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that ~~\$6,116,624~~ **\$5,936,299** be raised as the municipality’s contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section 15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that **\$403,181** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that ~~\$649,504~~ **\$829,829** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$20,949,839** for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	265,000
Title IIA	75,000
Local Entitlement	335,000
School Lunch Subsidy	225,000

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2015 to June 30, 2016 be approved in the amount of **\$207,587**; and

BE IT FURTHER RESOLVED, that the City will appropriate **\$4,956** for adult education at the United Technologies Center and raise **\$4,956** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

D. Monthly Reports.

ACTION: Councilor O'Connell moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

E. Nominations, Appointments, Elections.

ACTION: Councilor Goss moved that the order on the consent calendar have passage and the resolve be adopted.

The motion was seconded and passed by unanimous vote.

2015-A143

July 14, 2015

TITLE: ORDER, REAPPOINT ANIMAL CONTROL OFFICER.

filed July 8, 2015
by Jerry Goss

ORDERED, that Daniel Joy of Bucksport, Maine is herewith reappointed as the City of Brewer's primary Animal Control Officer for a term commencing August 1, 2015 and expiring July 31, 2016.

2015-B043

July 14, 2015

TITLE: RESOLVE, DECLARE RESULTS OF THE JUNE 9, 2015
CITY OF BREWER SCHOOL BUDGET APPROVAL
ELECTION AND CHARTER AMENDMENTS
ELECTION.

filed July 8, 2015
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election and Charter Amendments Election was held on June 9, 2015; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results;

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer School Budget Approval Election and Charter Amendments Election as follows:

F. Unfinished Business.

1. Consent Calendar.

- a. (2015-C008) Amend Chapter 24, Article 3, Zoning Districts, Section 306.5, Schedule of Uses, of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Uhlenhake)
- b. (2015-C009) Amend Chapter 24, Article 14 "Definitions" of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Ferris)

ACTION: Councilor Uhlenhake moved that the proposed ordinance amendments on the consent calendar be enacted.

The motion was seconded and passed by unanimous vote.

G. New Business.

2015-C010

July 14, 2015

TITLE: AMEND CHAPTER 21, ARTICLE 5 "NAMING OF STREETS, ROADS AND WAYS UNDER THE E-911 SYSTEM" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER ENTITLED "STREET USE".

filed July 8, 2015
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 21, Article 5 "Naming of Streets, Roads and Ways Under the E-911 System", of the Charter, Codes and Ordinances of the City of Brewer entitled "Street Use" be amended as follows:

(underlines- additions)(overstrikes-deletions)

ARTICLE 5. Naming of Streets, Roads, and Ways under the E-911 System

Section 501. Purpose

The purpose of this Article is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the City of Brewer.

Section 502. Authority

This Article is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, § 1, of the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter.

Section 503. Administration

This Article shall be administered by the ~~E-911 Committee~~ Addressing Officer, ~~which~~ who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed streets, roads, and ways, in accordance with the criteria in Sections 505, 505a. and 506. The ~~E-911 Committee~~ Addressing Officer shall also be responsible for maintaining the following official records of this ordinance:

- a. A City map for official use showing street, road, and way names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all streets, roads, and ways with property owners listed in order of their assigned numbers.

Section 504. ~~Committee~~ Addressing Officer

The Addressing Officer shall be appointed by the Mayor. This appointment shall continue until a replacement officer is required.

~~The E-911 Committee shall consist of the following persons or their respective designees:~~

- a. ~~_____ Tax Assessor~~
- b. ~~_____ City Planner~~
- e. ~~_____ Code Enforcement Officer~~
- d. ~~_____ City Clerk~~
- e. ~~_____ Chief of Police~~
- f. ~~_____ Fire Chief~~
- g. ~~_____ City Engineer~~
- h. ~~_____ Chairman of the Planning Board~~
- i. ~~_____ Postmaster of the Brewer, Maine, Post Office~~
- j. ~~_____ Chairman of the City Council~~
- k. ~~_____ Director of Public Works (#1)~~

~~Any action can be taken by a simple majority of those members of the E-911 Committee present and voting at any meeting.~~

Section 505. Naming System

All streets, roads, and ways that serve ~~one or more properties~~ more than one property shall be named regardless of whether the ownership is public or private. A “street, road, or way” as used in this Article refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. “Property” refers to any property on which a more or less permanent structure has been erected or could be placed. A name assigned to a street, road, or way by the ~~E-911 Committee~~ Addressing Officer shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two streets, roads, or ways shall be given the same name (e.g., no Pine Road and Pine Lane). No unauthorized street signs shall be installed on any public or private street or way. Any person violating this section will be subject to a civil penalty as described in Section 11a.
- b. No two streets, roads, or ways should have similar-sounding names (e.g., Beech Street and Peach Street).
- c. Each street, road, or way shall have the same name throughout its entire length.

Section 505(a). Street Signs.

The City will obtain and install street signs for private ways at the locations where they intersect with public ways. The City will also obtain and install street signs on private ways that do not intersect with public ways and the owner or owners of the private ways shall be responsible for reimbursing the City for the costs of the sign and their installation.

Section 506. Numbering System

In the residential part of the City, every lot with a forty (40) foot front shall be designated with a separate number, and in the business portion, every lot with a ten (10) foot front shall be designated with a separate number.

The business part of the City is embraced in the following limits; State Street to North Main Street, North Main Street from State Street and South Main Street to Brimmer Street including all streets on the northerly side of North Main and South Main Streets from State Street to Brimmer Street, Center Street to Howard Street, Howard Street, Parker Street to Howard Street, Church Street, Union Street to a point two hundred (200) feet southeasterly from its junction with North Main Street, Wilson Street to a point two hundred (200) feet southeasterly from its junction with North and South Main Street. On all streets the odd numbers shall be on the right-hand side, and the even numbers on the left-hand side, in the progressive order of numbering, commencing with the lowest number and proceeding there from with increasing numbers from their point of origin.

The following criteria shall govern the numbering system:

- a. Main Street, now so called, shall be divided at Wilson Street and henceforth be known from Wilson Street to the Eddington line, as North Main Street; from Wilson Street to the Orrington line, South Main Street; and the numbering upon said North and South Main Streets shall commence at their junction at said Wilson Street. The numbering upon the streets leading from the Penobscot River and streets parallel, shall commence at the end nearest the river. The numbering on all cross streets shall commence at the end nearest to said Wilson Street. All lots shall be numbered in the progressive order of numbering in accordance with the unit designated.

- b. For dead-end streets, roads, and ways, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- d. Whenever practical, every structure with more than one (1) principal use or occupancy shall have a separate number for each use or occupancy. ~~For example, duplexes will have two (2) separate numbers.~~

Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt. 2. Property owners shall be responsible for the placement of numbers on each external and internal door leading to each apartment such as Apt. 1,2,3 or A, B, C.

Section 507. Compliance

All owners of structures shall, by the date stipulated in Section 510, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. **Number on the Structure.** Where the structure is within fifty (50) feet of the edge of the street, road, or way right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.
- b. **Number at the Street, Road, or Way Line.** Where the structure is over fifty (50) feet from the edge of the street, road, or way right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure. If the number is displayed on a mailbox mounted on a fence or post, it shall be so displayed that it can be read by drivers or occupants of any vehicle passing it on either a right hand or left hand side of the road.
- c. **Size, Style, and Color of Number.** Numbers shall be a minimum of four (4) inches high, shall be numeric not cursive letters and be of a contrasting color to its background.
- d. Every person whose duty is to display the assigned number shall remove any different number, which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

Interior Location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Section 508. New Developments and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the ~~City Assessor~~ Addressing Officer. This shall be done at such time the Code Enforcement officer performs an electrical service inspection.

New Subdivisions. Any prospective subdivider shall show a proposed street, road, or way-name on the pre-application submission to the Planning Board and will be reviewed as part of the technical review as defined in Chapter 11, Section 603.2 of the City of Brewer Ordinances. ~~The review by the Addressing Officer will comply with Approval by the Planning Board after reviewing Section 505 of this Article, and the official alphabetical street list, shall constitute the assignment of street or road names in the subdivision.~~

Section 509. Appeal

Any person or entity aggrieved by the decision of the ~~E-911 Committee~~ Addressing Officer may appeal to the Brewer City Council. The decision of a simple majority of the City Councilors present and voting at the meeting at which the grievance is considered shall be binding on the ~~E-911 Committee~~ Addressing Officer and the aggrieved party.

Section 510. Implementation Date

This Article shall become effective when enacted by the Brewer City Council. It shall be the duty of the ~~City Assessor~~ Addressing Officer to notify by mail each property owner and the Post Office of their new address at least sixty (60) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this Article, by the stated date of effective use. If the owner of any buildings, after receiving said notice from the ~~City Assessor~~ Addressing Officer, shall fail to comply with any of the provisions of the notification within Thirty (30) days after receipt thereof, he or she shall be subject to a civil penalty, reasonable attorney fees and costs as set forth in Section 11(a). On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever occurs first.

Section 511. Enforcement and Penalties.

This Article shall be enforced by the Code Enforcement Officer. Any person who shall affix or suffer to be affixed to, or shall allow to remain upon any building, a different number from the one (1) designated by the ~~City Assessor~~ Addressing Officer shall be subject to a civil penalty as set forth in this section.

- a. A civil penalty of up to Twenty Five (\$25.00) Dollars per day, with each day being a separate violation, may be assessed by the Maine District Court against any person or entity violating this Article. The City of Brewer shall also be entitled to its reasonable attorney fees and costs from the person or entity found to have violated this Article.

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ACTION: Councilor O'Connell moved that one certified copy of the proposed ordinance amendment be filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2015-A144

July 14, 2015

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1, M.R.S.A. § 405(6)(A) ON A PERSONNEL MATTER (CITY MANAGER'S ANNUAL EVALUATION).

filed July 8, 2015
by Beverly Uhlenhake

ORDERED, that the Brewer City Council convene in executive session pursuant to Title1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

ACTION: Councilor Uhlenhake moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

Mayor Vachon said the executive session on a personnel matter would include City Council members and the City Manager for his annual evaluation.

Mayor Vachon said the regular meeting would resume after the executive session and take up no more business except to adjourn.

The regular meeting adjourned at 7:09 p.m. for City Council members to go into executive session.

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The regular meeting was called back to order by Mayor Vachon.

The city clerk called the roll:

Councilor O'Connell	-	present	Councilor Goss	-	present
Councilor Ferris	-	present	Chairman Vachon	-	present
Councilor Uhlenhake	-	present			

Mayor Vachon said he would accept a motion for adjournment.

ACTION: Councilor Goss moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:35 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine